

Appl. No.: 10/608,580  
Amdt. Dated: February 3, 2006  
Reply to Office Action of: January 12, 2006

### REMARKS/ARGUMENTS

#### 1. Drawings

In view of the fact that the Office Action is silent with respect to the Drawing filed with the application, applicants deem that the drawings have been accepted.

#### 2. Claims

Claims 1, 2, 4-6, 9-13 and 26-29 remain in the application. Claims 1 and 13 have been amended herein. Claim 2 has been canceled. Claims 5, 9, 10, 27 and 29 have been withdrawn have been withdrawn as a result of an earlier restriction requirement. Claims 11-12, 26 and 28 are also withdrawn from consideration on the basis of the Examiner's objection that the claims are mutually exclusive with regard to the base claims in view of the fact that they require the a non-stoichiometric ratio whereas the base claim requires a stoichiometric ratio.

In view of the Examiner's earlier restriction requirement, applicants retain the right to present claims 5, 9, 10, 27 and 29 in a divisional application.

In view of the Examiner's objection to claims objection recited above, applicants reserve the right to present claims 11-12, 26 and 28 in a divisional application.

Claim 1 has been amended by incorporation of the subject matter of claim 2.

#### 3. 35 USC § 112 Rejections

Regarding claims 1 and 2, the Examiner states that "it is unclear whether "R" is supposed to be R(subscript 3) [that is, R<sub>3</sub>] or signify three (3) "R" groups attached to Si. Applicants here state that "R<sub>3</sub>" signifies the presence of three (3) R groups attached to Si as would be understood by one skilled in the art after reading the specification, specifically Paragraph [0021] line 6 *et seq.*, and also after reading Paragraph [0026], lines 6-9, where specific examples are give. One skilled in the art would also understand that three (3) "R" groups are present in view of the knowledge that a name such as "(trialkylsiloxy)" in "tris(trialkylsiloxy)alkoxymetal signifies a quadrivalent Si atom with three (3) r groups and an -O- atom;, that is a "R<sub>3</sub>SiO" group.

The Examiner also indicates that in claim 13 there is no antecedent basis for the use of the phrase "the organometallic compound." Applicants have corrected this error by

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amending the claim to read "...the compound of formula  $(R_3SiO)_kM(OR')_k$ ", referring back to the formula given in the base claim.

Claim 1 has also been amended by replacing the work "growing" with the word "depositing". to overcome the objection concerning the preamble of the claims.

THEREFORE, in view of the foregoing amendment to Claims 1, 2 and 13, applicants submit that the §112 rejection have been overcome.

#### 4. 35 USC §103(a) Rejections

Claim 1 is ejected as being unpatentable over Levene 3,640,093 in view of Suto 4,414,012 and Official Notice for reasons set forth in the Office Action.

Applicants submit that the rejection is moot in view of the Examiner's indication that Claims 2, 4, 6 and 13 would be allowable is rewritten to overcome the §112 rejection and to include all the limitations of the base claim and any intervening claims.

Applicants have amended claim 1 by incorporation of the subject matter of claims. Claims 4, 6 and 13 depend from amended claim 1.

#### 5. Allowed Claims/Subject Matter

Applicant notes with appreciation that the Examiner has indicated the subject matter of claims 2, 4, 6 and 13 are patentable, and would be allowable if rewritten in independent form to incorporate the subject matter of the base claim and any intervening claims. This has been done as explained above In Item 4.

#### 6. Conclusion

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Please direct any questions or comments to applicants' undersigned attorney, Walter M. Douglas at (607) 974-2431.

3 February 2006  
Date

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8	
I hereby certify that this paper and any papers referred to herein are being transmitted by facsimile to the U.S. Patent and Trademark Office at 571-273-8300 on:	
<u>3 February 2006</u> Date	
<u>Walter M. Douglas</u> Walter M. Douglas	<u>3 Feb 2006</u> Date

Respectfully submitted,  
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